

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOANNE ROMA et al.,
individually and on behalf of all others
similarly situated,**

Plaintiff,

v.

**PROSPECT MEDICAL HOLDINGS,
INC.,**

Defendant.

CIVIL ACTION

NO. 23-3216

ORDER

AND NOW, this 5th day of August, 2024, upon consideration of Defendant Prospect Medical Holdings, Inc.’s (“Prospect”) Motion to Dismiss the Amended Complaint (ECF No. 52), Plaintiffs’ Response in Opposition thereto (ECF No. 54), and Defendant’s Reply (ECF No. 56), and after a hearing on the record in open court, Defendant’s Motion is **GRANTED IN PART** and **DENIED IN PART**. It is **HEREBY ORDERED** that:

1. Prospect’s Motion to Dismiss for Lack of Subject Matter Jurisdiction is **DENIED**.
2. Prospect’s Motion to Dismiss for Failure to State a Claim is **GRANTED AS UNCONTESTED** with respect to Plaintiffs’ claims for violation of the California Consumer Records Act and Section 56.10(a) of the California Confidentiality of Medical Information Act.
3. Prospect’s Motion to Dismiss for Failure to State a Claim is **GRANTED WITH PREJUDICE** with respect to Plaintiffs’ claims common-law invasion of privacy and invasion of privacy under the California Constitution.
4. Prospect’s Motion is further **GRANTED WITH PREJUDICE** with respect to the count in the Amended Complaint alleging negligence *per se*, but Plaintiffs are permitted to press negligence *per se* as a theory of liability under their separate count alleging negligence.
5. Prospect’s Motion to Dismiss for Failure to State a Claim is **GRANTED WITHOUT PREJUDICE** with respect to Plaintiffs’ claim for breach of implied contract and violation of the California Unfair Competition Law.

6. Prospect's Motion to Dismiss for Failure to State a Claim is **DENIED** in all other respects.

BY THE COURT:

/s/Wendy Beetlestone, J.

WENDY BEETLESTONE, J.